

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

RICHARD H. JOHNSON,

Plaintiff,

v.

Case No. 19-CV-645

DILIP TANNAN *et al.*,

Defendants.

ORDER

Plaintiff Richard Johnson, who is representing himself, filed a complaint under 42 U.S.C. § 1983. On December 19, 2019, the defendants filed a motion for summary judgment. (ECF No. 22.) Under Civil L. R. 56(b)(2), Johnson's response materials were due within thirty days of service of the motion. According to the court's records, he has not responded to the motion. Johnson's failure to respond suggests that he does not oppose the motion.

The court will give Johnson a final opportunity to file his response materials. If he does not do so by the below deadline, the court will recommend to U.S. District Judge Lynn Adelman (to whom the case is assigned) that he grant the motion and dismiss the case with prejudice. *See* Civil L. R. 7(d) ("Failure to file a memorandum in opposition to a motion is sufficient cause for the Court to grant the motion."); Civil L. R. 41(c) ("Whenever it appears to the Court that the plaintiff is not diligently


prosecuting the action . . . the Court may enter an order of dismissal with or without prejudice.”).

As a reminder, if Johnson responds to the motion, he must respond to each of the defendants’ proposed findings of fact by agreeing with each proposed fact or explaining why he disagrees with a particular proposed fact. If he does not indicate one way or the other, the court will assume that he agrees with the proposed fact. Johnson must support every disagreement with a proposed fact with evidence. He can do that by relying on documents or by telling the court his version of what happened in an affidavit or an unsworn declaration under 28 U.S.C. § 1746.¹ An unsworn declaration is a way for a party to tell his side of the story while declaring to the court that everything in the declaration is true and correct. Johnson must also respond to the legal arguments in the defendants’ brief.

IT IS THEREFORE ORDERED that, by **February 14, 2020**, Johnson shall either respond to the defendants’ motion for summary judgment or file a letter explaining why he is unable to do so. If the court does not hear from Johnson by that date, the court will recommend to Judge Adelman that he grant the defendants’ motion and dismiss this case.

¹ At the bottom of his declaration he should state: “I declare under penalty of perjury that the foregoing is true and correct. Executed on [date]. [Signature].” 28 U.S.C. § 1746(2).

Dated in Milwaukee, Wisconsin, this 23rd day of January, 2020.


WILLIAM E. DUFFIN
U.S. Magistrate Judge